

**Congress of the United States**  
**Washington, DC 20515**

February 7, 2019

The Honorable Kristjen Nielsen  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20520

Dear Secretary Nielsen:

We are writing to you to request details concerning the newly implemented Migrant Protection Protocols (MPP), wherein asylum seekers are forced to remain in Mexico while their asylum claims are processed.

While a number of reports from both the United States' Department of Homeland Security (DHS) and the Mexican government have given more guidance about this new policy, we remain concerned on the implementation and exercise of the MPP. While it is generally understood that this program will return non-Mexican migrants to Mexico after they cross the United States southern border, several specifics of this program have not been further explained.

As the program has started implementation, with reports of a number of individuals already affected and given the lack of information and contradicting media reports, we request prompt answers to the following questions:

1. How does DHS intend to facilitate both migrants' placement into Mexico, as well as their return to the United States for their immigration proceedings with a judge? If so, please provide details of how migrants will have ready access to return to the United States in order to readily participate in the asylum proceedings?
2. The Mexican government as well as non-governmental officials who run shelters have both stated that Mexico does not have the resources to take responsibility for more migrants. Additionally, based on reports from the Mexican government, Mexico plans to give migrants only four-month visas:
  - a. What information has the government of Mexico provided for how they will provide for the migrants' health and safety as the migrants wait for their immigration proceedings to occur?
  - b. Since the Mexican government is currently only giving four-month visas, and DHS has stated it could take a year or more to go through the MPP, how does DHS plan to ensure the health and safety of migrants as they await their proceedings?


- c. How does DHS plan to guarantee due process for all asylum seekers despite increasing backlog in caseload numbers for immigration courts? Considering the long backlog of cases, what is the time period of completion for each case that DHS anticipates for migrants in the MPP program?
  - d. Has the Mexican government made assurances that they will not return migrants who are subject to MPP and still awaiting their asylum proceedings to the country from which they are claiming persecution after the four-month visa expires?
  - e. In light of reports that Mexico's one-year humanitarian visas will soon be closed, does DHS or the Mexican government have plans for how migrants will gain access to legal stay in Mexico without use of Mexico's humanitarian visas? If so, please provide details for those plans.
3. It is concerning to hear that according to the United States Citizenship and Immigration Services' (USCIS) Policy Memorandum on January 28, 2019, migrants will not have access to counsel during the MPP's assessment interview. Will individuals be given access to legal counsel while in Mexico or in the United States, prior to their fear assessment and hearing?
- a. If so, how does DHS plan to facilitate migrants' ability to request an attorney to represent them during their immigration proceedings, especially in cases where the individual only speaks indigenous languages or has limited Spanish proficiency?
  - b. Additionally, will DHS and the Mexican government ensure that immigration lawyers are given access by a phone line or business travel to their clients while they await for their immigration proceedings in Mexico?
4. Migrants often face kidnapping, assault, forced labor, and sexual abuse in addition to other acts of violence while in Mexico. However, according to the USCIS Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the MPP, an individual must demonstrate that he or she is "more likely than not" to face persecution or torture in order to be withheld from removal to Mexico.
- a. In what ways will the USCIS's MPP assessment interview account for migrants' exposure to crimes of kidnapping, assault, forced labor and sexual abuse?
  - b. What assurances have you asked for from the Mexican government to guarantee migrants' safety as they wait for their immigration proceedings to occur in the United States?

5. According to a memorandum on January 28, 2019 from Kevin McAleenan, Commissioner for the United States Customs and Border Protection (CBP), on Implementation of the Migrant Protection Protocols, CBP plans to expand the MPP program beyond the San Ysidro port of entry. However, based on reporting from the head of Mexico's immigration agency, Mexico will not extend the MPP beyond the San Ysidro port of entry.
  - a. How many individuals are being processed daily at the San Ysidro port of entry under MPP?
  - b. Does DHS plan to expand the program beyond the San Ysidro port of entry? If so, what are the details of the plans for this expansion?
  - c. Will this expansion include the apprehension of people between ports of entry?
  - d. What is the timeline for expansion of MPP?
6. Reports from the head of Mexico's immigration agency state that Mexico will only accept migrants between the ages of 18 and 60 and who are from Guatemala, Honduras, and El Salvador.
  - a. Does DHS plan to include parents with children under the age of 18 in the MPP program? If so, please provide details on how DHS plans to care for the children if their parents are sent to Mexico under the MPP program.
  - b. How many migrants does DHS anticipate will need to be sent over to Mexico in 2019?
7. DHS reports that the implementation of MPP will involve coordination between agencies within DHS as well as the Executive Office for Immigration Review under the Department of Justice. Given the complicated nature involved in coordination of this program, what are the anticipated costs of this program per individuals subject to the MPP?
  - a. How many asylum officers does USCIS anticipate will be required to implement MPP?
  - b. What effect does USCIS anticipate this will have on efforts to reduce the current backlog for asylum cases?
  - c. As individuals will now need to go through a MPP assessment, what effect does CBP anticipate the MPP program will have on processing asylum seekers at the ports of entry?

- d. Are additional immigration judges being detailed to the San Diego immigration court to handle MPP cases?

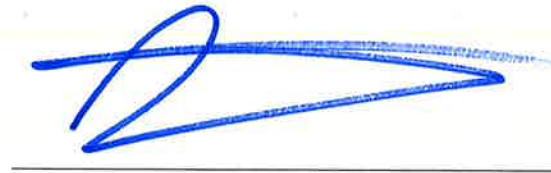
Thank you for your attention to this matter.


Sincerely,

  
Joaquin Castro  
Chairman  
Congressional Hispanic Caucus

  
Ruben Gallego  
1<sup>st</sup> Vice Chair  
Congressional Hispanic Caucus

  
Nanette Barragán  
2<sup>nd</sup> Vice Chair  
Congressional Hispanic Caucus

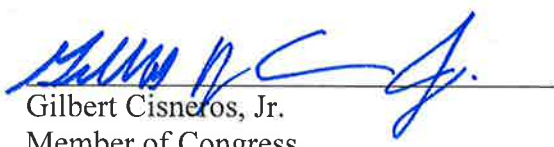
  
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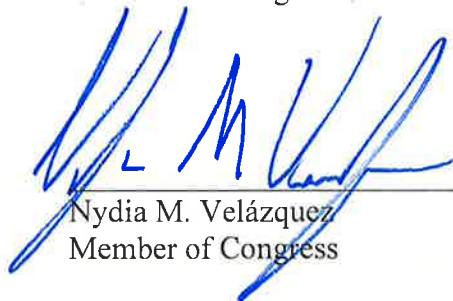
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